

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

TYLER DIVISION

JAMES WASHINGTON, JR., #366894	§	
VS.	§	CIVIL ACTION NO. 6:08cv379
LT. SIMS	§	

ORDER OF DISMISSAL

The above-entitled and numbered civil action was heretofore referred to United States Magistrate Judge John D. Love. The Report and Recommendation of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and no objections thereto having been timely filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and adopts same as the findings and conclusions of the Court. It is therefore

ORDERED that the Plaintiff's *in forma pauperis* status is **REVOKED**. It is further

ORDERED that the civil rights lawsuit is **DISMISSED** with prejudice as to the refiling of another *in forma pauperis* lawsuit raising the same claims as herein presented, but without prejudice to the refiling of the lawsuit without seeking *in forma pauperis* status and upon payment of the full \$350 filing fee. It is finally

ORDERED that all motions not previously ruled on are **DENIED**.

The Plaintiff is placed on notice that should he elect to pay the filing fee and refile the case, he must also show that he has fully complied with all of the sanctions imposed on him. Any attempt

to refile the lawsuit without satisfying these conditions could result in the dismissal of the refiled lawsuit as well as the imposition of additional sanctions, monetary or otherwise.

So ORDERED and SIGNED this 17th day of March, 2009.

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

**LEONARD DAVIS
UNITED STATES DISTRICT JUDGE**